

REMARKS

Claims 1, 2, 5-7 and 9-11 are pending in this application.

Interview Summary

Applicants thank Examiner Stanley and his supervisor for the courtesy of an interview on Wednesday, September 24, 2008 at about noon. During the interview, Applicants persuasively presented their position that the reference teaches creating incentives for viewers to contract to watch infomercials and the like, and teaches policing mechanisms for verifying compliance before credit is given for watching the added material. This is quite unlike what we claim. We described our claim as potentially applicable to TiVo, to create a "skip commercial" button, which is not legally feasible with existing technology, due to legal rights of copyright holders.

The Examiner agreed that reimbursing program providers is different than paying viewers. The Examiners further agreed and provided an interview summary that says that finality of this rejection is withdrawn. A further search is anticipated.

Applicants are relying on the withdrawal of finality, which is confirmed in the written interview summary provided by the Examiners at the end of the interview.

Thanks again to the interviewers for their time.

Rejection Under 35 U.S.C. § 103(a) of Claims 1 and 9

The Examiner rejects **claims 1 and 9** under 35 U.S.C. § 103(a) as unpatentable over Megeid et al., US 2007/0055980, in view of Abecassis, US 6,553,178 and (for claim 9) in further view of Riedel et al., US 2005/0060745 A1.

The independent claims are not obvious in view of the references or any combination of features in the cited references. The independent claims include a limitation that positively claims causing reimbursement to program providers (either directly or through agents) for revenue lost by skipping content that a viewer chooses to skip. Reimbursement could be handled on a program by program basis or a broader, subscription basis. The references do not include this feature. Therefore, claims 1 and 11 are allowable over the art of record. Applicants again express their appreciation for the Examiners' agreement to withdraw finality of the rejection and look forward to the results of a supplemental search.

Rejection of Dependent Claims Under 35 U.S.C. § 103(a)

Applicants respectfully submit that the dependent claims should be allowable for at least the same reasons as independent claims 1 and 9.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants remind Examiner Stanley of their offer to review whatever references that a supplemental search might turn up. With just the reference citations and 24 hours, Applicants' counsel should be able to respond to whatever the Examiner finds. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (GBTV 1001-1).

Respectfully submitted,

Dated: 29 September 2008

/Ernest J. Beffel, Jr./

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